Arizona State Board of Nursing

Doug Ducey Governor

Joey Ridenour Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 12:15 p.m., Monday, December 14, 2020 in Board Room A, at the Board of Nursing office, 1740 W. Adams Street, Phoenix, Arizona, with Dr. Carmen Hill-Mekoba, DNP, APRN-BC, President, presiding.

BOARD MEMBERS PRESENT:

Dr. Carmen Hill-Mekoba, DNP, APRN-BC, President (Virtual)
Carolyn McCormies, RN, MS, FNP-BC, Vice President
Cecelia Andersen BSN, RN, Secretary (Virtual)
Theresa (Terri) Berrigan, LPN, C-AL, Member (Virtual)
Angela Fountain, RN, MSN, CRNA, Member (Virtual)
Lori Gutierrez, MSN, RN-C, Member (Virtual)
Dr. Lisa Smith, PhD, RN, CNE, Member (Virtual)
Kyra Locnikar. Member (Virtual)

BOARD MEMBERS ABSENT:

Elizabeth Boyer, RN, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General Sunita Krishna, Assistant Attorney General

STAFF DIRECTORS:

Joey Ridenour, RN, MN, FAAN, Executive Director
Janeen Dahn, PhD, RN, FNP-C, Associate Director of Operations, Hearing and Compliance (Virtual)
Cindy Mand, MSN, RN, Associate Director, Complaints & Investigations (Virtual)
Robert Ellis, BSIT, MBA, MPM, Associate Director of IT and Finance

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Naira Kutnerian Legal Secretary II (Virtual)	
Emma Mamaluy, Chief Counsel (Virtual)	

I. Call to Order

The meeting was called to order at 12:15 p.m., Monday, December 14, 2020.

The following Board members were present: Andersen*, Berrigan, Fountain, Gutierrez, Hill-Mekoba, McCormies, Smith and Locnikar. (*Due to technical issues, Andersen was present but not able to participate in some the meeting, thus is listed as "absent" for some agenda items.)

Hill-Mekoba presided.

Hill-Mekoba welcomed new board member Kyra Locnikar. She also explained the procedure for addressing the Board, and stated the mission of the Board.

Introduction of New Board Member Kyra Locnikar.

II.A.1. Administrative Law Judge (ALJ) Recommendations

II.A.1 Sheena M. Leach LPN222403 (Krishna)

The proceeding began at 12:19 P.M. with the following Board members present: Berrigan, Fountain, Gutierrez, Hill-Mekoba, McCormies, Smith and Locnikar.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge's recommendation.

The State was represented by Sunita Krishna, Assistant Attorney General. Carrie Smith, Assistant Attorney General, provided independent counsel for the Board.

Krishna addressed the Board and requested the Board accept the Administrative Law Judge's recommended findings of fact and conclusions of law and proposed order affirming the summary suspension and revocation of the license. Leach was not present and was not represented by legal counsel.

Berrigan moved, L. Smith seconded, and it was unanimously carried to adopt the Findings of Facts and Conclusions of Law in their entirety as recommended by the Administrative Law Judge.

<u>VOTE</u>		McCormies Vice-President	Smith Member	Gutierrez Member	Berrigan Member	<u>Locnikar</u> Member	Fountain Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

L. Smith moved, Berrigan seconded, and it was unanimously carried, to accept the Administrative Law Judge's Order to revoke Practical Nursing License 222403, previously issued to Sheena Leach.

<u>VOTE</u>		McCormies Vice-President	<u>Smith</u> Member	Gutierrez Member	<u>Berrigan</u> Member	<u>Locnikar</u> Member	<u>Fountain</u> Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

II.A.2. Administrative Law Judge (ALJ) Recommendations

II.A.2 Craig Steven Jones LP Applicant

(Campbell)

The proceeding began at 12:27 p.m., with the following Board members present: Berrigan, Fountain, Gutierrez, Hill-Mekoba, McCormies, Smith and Locnikar.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge's recommendation.

The State was represented by Elizabeth Campbell, Assistant Attorney General. Carrie Smith, Assistant Attorney General, provided independent counsel for the Board.

Campbell addressed the Board and requested the Board accept the Administrative Law Judge's recommended findings of fact and conclusions of law and to and to proceed to deny Jones' application for licensure as a practical nurse in Arizona.

Jones was not present and was not represented by legal counsel.

L. Smith moved, and McCormies seconded, and it was unanimously carried to adopt the Findings of Facts and Conclusions of Law in their entirety as recommended by the Administrative Law Judge.

<u>VOTE</u>		McCormies Vice-President	Smith Member	Gutierrez Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

McCormies moved, Fountain seconded, and it was unanimously carried, to that the Executive Director of the Board uphold the Board's July 17, 2020, Order of Denial regarding Applicant's January 22, 2019, application for licensure as a practical nurse by endorsement.

<u>vote</u>		McCormies Vice-President	Smith Member	Gutierrez Member	<u>Berrigan</u> Member	<u>Locnikar</u> Member	Fountain Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

II.A.3. Administrative Law Judge (ALJ) Recommendations RN212539

II.A.3. **Ashton Makenzie Conner**

(Campbell)

The proceeding began at 12:31 p.m., with the following Board members present: Berrigan, Fountain, Gutierrez, Hill-Mekoba, McCormies, Smith and Locnikar.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge's recommendation.

The State was represented by Elizabeth Campbell, Assistant Attorney General. Carrie Smith, Assistant Attorney General, provided independent counsel for the Board.

Campbell addressed the Board and requested the Board accept the Administrative Law Judge's recommended findings of fact and conclusions of law and recommended order affirming the Board's summary suspension in this case, and recommended revocation of RN license.

Conner was telephonically present and was not represented by legal counsel. Conner addressed the Board regarding the recommended discipline.

McCormies moved, L. Smith seconded, and it was unanimously carried to adopt the Findings of Facts and Conclusions of Law in their entirety as recommended by the Administrative Law Judge.

<u>VOTE</u>		McCormies Vice-President	Smith Member	Gutierrez Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

McCormies moved, Berrigan seconded, and it was unanimously carried, to accept the Administrative Law Judge's Order to affirm the summary suspension and to revoke Registered Nurse License 212539, previously issued to Ashton Conner.

<u>VOTE</u>		McCormies Vice-President	<u>Smith</u> Member	Gutierrez Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

II.A.4. Administrative Law Judge (ALJ) Recommendations II.A.4 Shawn Lane Smith RN150438 (Campbell) AKA: Lane Smith

The proceeding began at 12:44 p.m., with the following Board members present: Berrigan, Fountain, Gutierrez, Hill-Mekoba, McCormies, Smith and Locnikar.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge's recommendation.

The State was represented by Elizabeth Campbell, Assistant Attorney General. Carrie Smith, Assistant Attorney General, provided independent counsel for the Board.

Campbell addressed the Board and requested the Board accept the Administrative Law Judge's recommended findings of fact and conclusions of law and to affirm the order of summary suspension and order revocation in this case. Campbell requested a minor modification of second sentenced in Finding of Fact 4(i). for privacy reasons to amend the sentence that included a specific mental health diagnosis to: "Respondent was diagnosed with mental health condition."

Shawn Smith was not present and was not represented by legal counsel.

McCormies moved, L. Smith seconded, and it was unanimously carried to adopt the Findings of Facts and Conclusions of Law with the following modifications to Finding of Facts 4(i) amended as described by the State.

<u>VOTE</u>		McCormies Vice-President	Smith Member	Gutierrez Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	Hill- Mekoba President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

		ed, Berrigan se istered Nurse			•	•			tive Law Ju	idge's Orde
<u>VOTE</u>		McCormies Vice-President	<u>Smith</u> Member	Gutierrez Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	Hill- Mekoba President	Boyer Member
YES	7	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes	
NO	0									
ABSTAIN	0									
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes
The proceed Mekoba, Me	tacl gen edin //cC	d's Novemb hed Minute da Item VI. g began at 1:0 ormies, Smith rs asked quest	s of the I E.1 - Sara 00 p.m., with a and Local tions regard	November Lin Moss the the follow kar.	s 12-13, 2 s and Age wing Board fication and	020 meet nda Item members d received	ting with VI.D.3 - present: B	the exce Amber L errigan, For	ption of teigh Richtuntain, Gut	the maters ter. ierrez, Hill- y General
the Board'	s No 1 - 3	ovember 12 tl Sara Lin Mos	nrough Nov	ember13, 2	2020 meetin	g, with the	e exception	n of the mat	ters Noven	nber Agenda
<u>VOTE</u>		McCormies Vice-President	Smith Member	Gutierrez Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	Hill- Mekoba President	Boyer Member
YES	6	\boxtimes	\boxtimes	\boxtimes	\boxtimes		\boxtimes		\boxtimes	
NO	0									
ABSTAIN	1					\boxtimes				
RECUSED	0									
ABSENT	2							\boxtimes		\boxtimes

Berrigan briefly lost virtual connection at 12:54 p.m., and then she rejoined before any action was taken Andersen joined the meeting at 1:02 p.m. Smith recused herself from the meeting at 1:02 p.m.

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Agenda Item VI.E.1. Sara Lin Moss.

McCormies moved, Berrigan seconded, Pursuant to A.R.S. § 38-431.05(B), the Board ratifies the legal action taken at the Board's November 12-13, 2020 meeting, with regard the Agenda Item VI.E.1. Sara Lin Moss. The motion carried with six in favor, one abstain and one recused.

<u>VOTE</u>		McCormies Vice-President	Smith Member	Gutierrez Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	6	\boxtimes		\boxtimes	\boxtimes		\boxtimes	\boxtimes	\boxtimes	
NO	0									
ABSTAIN	1					\boxtimes				
RECUSED	1		\boxtimes							
ABSENT	1									\boxtimes

McCormies recused herself from the meeting at 1:03 p.m.

L. Smith returned to the meeting at 1:03 p.m.

Agenda Item VI.D.3 - Amber Leigh Richter.

Berrigan moved, Andersen seconded, Pursuant to A.R.S. § 38-431, the Board ratifies the legal action taken at the Board's November 12 through 13, 2020 meeting, with regards to Agenda Item VI.D.3 - Amber Leigh Richter. The motion carried with six in favor, one abstain and one recused.

VOTE		McCormies Vice-President	<u>Smith</u> Member	<u>Gutierrez</u> Member	Berrigan Member	Locnikar Member	Fountain Member	Andersen Secretary	<u>Hill-</u> <u>Mekoba</u> President	Boyer Member
YES	6		\boxtimes	\boxtimes	\boxtimes		\boxtimes	\boxtimes	\boxtimes	
NO	0									
ABSTAIN	1					\boxtimes				
RECUSED	1	\boxtimes								
ABSENT	1									\boxtimes

McCormies returned to the meeting at 1:04 p.m.

IV. Board Reports for Discussion, Information, Staff Direction and/or Decision

IV.A. Executive Directors Report – Ridenour

IV.A.1.a. November 12-13, 2020, Regular Board Meeting Minutes

Hill-Mekoba moved, Andersen seconded, and it was unanimously carried to approve the minutes of the November 12-13, 2020, regular Board meeting.

V. Call to the Public

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. Members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(H).

No members of the public were present or requested to speak

VI. Adjournment

Hill-Mekoba moved, Berrigan seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 1:05p.m. Monday, December 14, 2020.

Carmen Hill-Mekoba (Feb 17, 2021 12:03 MST)

Dr. Carmen Hill-Mekoba, DNP, APRN-BC, President